

REMARKS

By this amendment, claims 5-9, 13-14, 16-28 are pending. Claims 5-7, 20, and 22-24 have been amended. These changes are believed to place the application in condition for allowance. Moreover, the claims are placed in better form for potential appeal. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the Abstract, ¶¶ [0009], [0010], [0015], [0016], [0032], and [0052] of the continuation application US Pub. 20110171977. No new matter is introduced.

Telephonic Interview of August 9, 2012.

Applicant expresses appreciation for the Examiner's courtesy in granting and conducting a telephonic interview on August 9, 2012. During the interview, the claimed invention was explained in light of Applicant's disclosure, the outstanding issues were discussed. However, no formal agreement was reached.

Claims 5, 7-9, 14, 16-19, 21, 22 and 24-28 were rejected as obvious under 35 U.S.C. §103(a) based on *Naddell et al.* (US Patent 5,613,213) in view of *Salimando et al.* (US Patent 5,561,704). Claims 13, 20, and 23 were rejected as obvious under 35 U.S.C. §103(a) based on *Naddell* in view of *Salimando* and *Alperovich* (US Patent 5819180).

The rejections are respectfully traversed.

The Office Action alleges on page 2, 2nd paragraph that the claim language of "the message **specifying** that the apparatus is in the localized service area" is not supported by the

referenced portions of the specification. Applicant respectfully submits that the claim language is supported at least by the recitations of “mobile station generated messages **describing** the location of the mobile stations **in relation to** localized service areas [0009],” “a **notification of** its arrival in the localized service area [0010],” and “with this message the mobile station **tells** that the user is in a certain localized service area ([0016])”.

With respect to independent claims 5, 7 and 22, Applicant respectfully submits that *Naddell* and *Salimando* taken individually or in combination fail to disclose or render obvious all of the positively recited features of claims 5, 7 and 22.

Contrary to the Examiner’s assertion (p. 2, last paragraph of the Office Action), *Naddell*’s communication unit 108 does not **explicitly make a determination it is in a service area serviced by a cellular base station 109 of system A**; although it communicates with the cell towers 101-103 of different systems A-C when it roams and it compares the available services provided by each system. To exchange communications with each system while roaming, the communication unit 108 needs to be **actually** located within a particular service area to display services to the user. *Naddell*’s cell towers 101-103 of different systems A-C and the communication unit 108 simply **assume** that communication unit 108 is located within a particular service area since it receives the signals. Therefore, *Naddell*’s communication unit 108 does not **explicitly** “determine that the apparatus arrives in a localized service area.”

In addition, *Salimando* does not **specify** in a user apparatus-generated message that the user apparatus is in the localized service area. *Salimando*’s user apparatus-generated message only includes user apparatus GPS data and a requested service. The GPS data only specifies the **user apparatus’s location**, while the requested service (e.g., fuel, food, directions, auto repair, etc.) only specifies a service the user is interested. Neither the GPS data nor the requested

service **specifies** that the apparatus is in the **localized service area**. Therefore, *Salimando's* user apparatus does not “generate a message when the apparatus determines that the apparatus arrives in a localized service area, the message **specifying that the apparatus is in the localized service area.**”

The patentability of claims 19-21 is separately argued. Claim 19 recites that “the localized service area is an airport or a cafeteria.” The cited portions in *Naddell*: FIG. 1, col. 3, lines 1-17 do not teach an airport or a cafeteria. Col. 3, lines 1-17 is cited as follows:

A base station controller is typically interfaced to a group of base stations (not shown) as is well known in the art. System A, via base station controller 101, transmits service information in a transmission 109 that may be received by a communication unit 108 (such as the one shown in FIG. 2) if it is in the first service area 105. System B has a base station controller 102 that covers a second service area 106. System B, via base station controller 102, transmits service information in a transmission 110 that may also be received by the communication unit 108 if that communication unit 108 is in the second service area 106. A third system, System C, is also in the general area of the communication unit 108. System C has a base station controller 103 that provides communications for a third service area 107. As is shown in the diagram, the communication unit 108 is not in the service area 107 of System C. Also shown in FIG. 1 is System D, which has a base station controller 104. This system is not registered in the communication unit's list of systems and services.

Regarding claim 20, *Alperovich's* mobile station has **one and only one** home zone (FIG. 6, col. 6, lines 30-60) where the mobile subscriber is not charged for the air time. *Alperovich's* mobile station compares the zone information received over the control channel with the stored home zone information in the SIM card 50, but does not “compare a current geographic location of the apparatus with **a plurality of** geographic definitions of a plurality of localized service areas stored at the apparatus.”

Regarding claim 21, contrary to the Examiner's assertion (p. 10, last paragraph of the Office Action), *Naddell* is simply silent with respect to “geographic coordinates of respective

base stations.” Fig. 2 merely shows a service table 207 that includes a list of systems 208 and a list of services 209 that are associated with and/or currently available through those systems.

In addition, *Salimando*’s triangulation is deployed by **the remote directory station 11** (rather than the mobile station 10) to determine that the location of the mobile station 10. *Salimando*’s mobile station 10 does not have the capability to do triangulation. Therefore, *Salimando* does not disclose a **mobile user terminal** executing the averaging step of claim 21. The claimed averaging step is much simpler than triangulation and is absent from the cited references.

It is therefore apparent that even if the applied references are combined as proposed by the Examiner, and Applicant does not agree that the requisite realistic motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044 (Fed. Cir.1988). Applicant, therefore, submits that the imposed rejections under 35 U.S.C. §103(a) for obviousness are not factually or legally viable and, hence, solicits withdrawal thereof.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

As Applicant’s remarks with respect to the Examiner’s rejections are sufficient to overcome these rejections, Applicant’s silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a

reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

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Date

/Phouphanomketh Ditthavong/
Phouphanomketh Ditthavong
Attorney/Agent for Applicant(s)
Reg. No. 44658

Chih-hsin Teng
Attorney/Agent for Applicant(s)
Reg. No. 63168

918 Prince Street
Alexandria, VA 22314
Tel. (703) 519-9951
Fax (703) 519-9958